

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. David Claude Townsend

Docket No. 5:02-CR-287-1H

Petition for Action on Supervised Release

COMES NOW Julie Wise Rosa, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of David Claude Townsend, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess with the Intent to Distribute 50 Grams or More of a Mixture Containing Methamphetamine and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on May 28, 2003, to the custody of the Bureau of Prisons for a total term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
2. The defendant shall provide the probation office with access to any requested financial information.
3. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
4. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
5. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

6. The defendant shall participate in mental health/sex offender treatment, evaluation testing, clinical polygraphs and other assessment instruments as directed by the probation officer. While under supervision in the Eastern District of North Carolina, the defendant shall further abide by the rules and regulations of the NCE Sex Offender Program.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

David Claude Townsend was released from custody on January 11, 2012, at which time the term of supervised release commenced. On December 5, 2012, Townsend tested positive for the use of cocaine. When confronted, the defendant admitted he had used cocaine a few times. He was verbally reprimanded for this behavior and advised that his upcoming drug test on January 16, 2013, may also be positive. This test was confirmed positive and Townsend was referred for substance abuse treatment. His frequency of testing was also increased. In addition to these actions, the probation office respectfully requests that his supervision conditions be modified to include the DROPS condition. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

David Claude Townsend
Docket No. 5:02-CR-287-1H
Petition For Action
Page 3

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/Julie Wise Rosa
Julie Wise Rosa
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: January 28, 2013

ORDER OF COURT

Considered and ordered this 29th day of January, 2013, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge